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In re Application of
MAEDA et al. :
Application No.: 10/523,262 :
PCT No.: PCT/JP03/09970 :
Int. Filing Date: 06 August 2003 : DECISION
Priority Date: 06 August 2002 :
Atty. Docket No.: 2005_0059A :
For: METHOD AND APPARATUS FOR
MOUNTING :

This decision is issued in response to applicant's "Request for Corrected Notice of Acceptance" filed on 25 November 2005, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 27 January 2005, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; and an information disclosure statement.

In response to the Notification of Missing Requirements dated 19 August 2005, applicant filed an executed declaration of inventors on 25 August 2005.

On 17 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 25 August 2005 and a 35 U.S.C. 371 completion date of 25 August 2005.

On 25 November 2005, applicant filed "Request for Corrected Filing Receipt and Notice of Acceptance."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 25 August 2005 to 03 March 2005. The actual filing date of the present application is the international filing date, i.e., 06 August 2003. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

Applicant states in their present petition that a declaration and power of attorney was received at the United States Patent and Trademark Office on 03 March 2005. A review of the present application reveals that the declaration and power of attorney filed 03 March 2005 is not located therein. Section 503 of the Manual of Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The accompanying copy of the post card receipt identifies the application by applicant, application number, and docket number. The receipt itemizes, inter alia, executed declaration; a PTO transmittal form; and a check in the amount of \$130. The receipt is stamped "OIPE MAR 03, 2005" across its face and is sufficient to indicate that the combined declaration and power of attorney was in fact received in the Office on 03 March 2005. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 03 March 2005 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 03 March 2005. (See MPEP section 1893.03(b)).

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 17 November 2005 is hereby **VACATED**.

The application has an international filing date of 06 August 2003 under 35 U.S.C. 363 and a date of 03 March 2005 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing

of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 03 March 2005 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 03 March 2005.

Thereafter, this application will be referred to its appropriate Art Unit.

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